

DD/A 74-3449

8 Sept 1974

MEMORANDUM FOR: Director of Security

ATTENTION : [redacted]

SUBJECT : Limitations on Outside Activities (MCA-93)

1. Reference is made to the attached documents concerning "procedures for clearance of articles for publication by former employees." Specific attention is directed to the General Counsel's memorandum of 24 June 1974.

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2. On 4 September 1974 [redacted] OGC, advised telephonically that John Warner is mainly concerned about "former employees;" he feels OGC should have responsibility for receiving and reviewing manuscripts from former staffers; and OGC would like to have us draft an appropriate notice, along the lines that OS is the focal point on requests from current staff employees, and OGC is the focal point on requests from former employees.

3. I discussed this issue with the DD/A, who feels quite strongly that the Office of Security should be the action office in all cases, but we should definitely coordinate with all Directorates, as well as OGC and OLC. It is his feeling that recent experience reflects that there is some confusion on this issue and we should go forth to the Management Committee with a clarifying and consistent set of procedures. It would be very much appreciated if the Office of Security assumed responsibility for drafting an appropriate memo to the Management Committee, along with a suggested Agency notice.

STATINTL



[redacted]
Executive Officer to the
Deputy Director for Administration

Atts

24 June 1974

MEMORANDUM FOR: Secretary, CIA Management Committee

SUBJECT: CIA Management Committee Meeting -
10 June 1974

1. In the Management Committee meeting on 10 June it was agreed that the General Counsel would receive publications or speeches by former employees and would refer them to appropriate Agency components. The minutes specifically say that the General Counsel will refer such publications or speeches to the Management Committee for review and approval. It seems to me that logically they would go only to the four Deputy Directors, and I would like your views on this. Further, it occurs to me that this procedure should be put in regulatory form, and I will do this if you agree.

2. The minutes also reflect that the General Counsel will develop an Employee Notice which makes clear the security obligations an employee undertakes upon entry on duty. My memory tells me that it was the consensus of the meeting that appropriate documentation would be developed for inclusion in the EOD procedures rather than an Employee Notice. I would like your confirmation that this was our decision, and OGC will work with the Offices of Personnel and Security on this.

JOHN S. WARNER
General Counsel

STATINTL

Extract from minutes of CIA Management Committee Meeting on 10 June 1974:

"2.A. Limitation on Outside Activities (MCA-93). It was the consensus that articles for publication or speeches by former employees will be referred by the General Counsel to the Committee for review and approval. A discussion followed on the frailties of the Termination Secrecy Agreement. The Secretary asked Members to provide any suggested revisions to the General Counsel who will draft a revised version for Committee review. He will also develop an Employee Notice that makes clear the security obligations an employee undertakes upon entry on duty. In response to the Secretary's question, the General Counsel said that work is underway to develop a Regulation which identifies categories of information that are judged to be classified."

Extract from CIA Management Committee Meeting Minutes - 15 July 1974
(DD/MGS 74-2642)

"2.f. MCA-93, Limitation on Outside Activities. Warner highlighted his 24 June memorandum (attached) which amends the minutes of the 10 June 1974 meeting on this topic."

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MEMORANDUM FOR: Secretary, CIA Management Committee
SUBJECT : Limitation on Outside Activities (MCA-93)

1. During the question-and-answer session of the recent Alumni Day, a recent retiree raised the issue of the submission and review of articles for publication. In an initial discussion of this topic by the Management Committee, it was the apparent consensus that articles for publication or speeches by former employees would be referred to the General Counsel.

2. Recent discussions with representatives of the Office of General Counsel have pointed to a need for clarifying our procedures in this area since the proposed course of action would result in a splitting of responsibility between the Office of Security and the Office of General Counsel. Before attempting such clarification, I suggest that the Committee review the issue of publications in its entirety in order to find the approach offering the greatest degree of consistency.

3. As you know, limitations on outside activities involving speeches and manuscripts are defined for STATINTL employees in Headquarters Regulation [redacted]. The Regulation notes that activities such as speeches and writings for publication might reasonably be construed to affect the security of the Agency when they relate to (a) foreign intelligence, (b) national security, (c) Agency activities, and (d) matters of Agency policy or U. S. Government policy. It imposes a responsibility on the employee to obtain approval prior to publication whenever these topics are involved.

4. Specific procedures are spelled out in the Regulation for the review of papers or speeches and the Deputy Director concerned is named as the approving authority. Cover and Commercial Staff and the Assistant to the Director

are given appropriate roles in both the review and recommendation processes, but the Office of Security uniquely serves as a focal point to insure that all substantive issues are fully explored by whichever component of the Agency is best fitted to assess the security damage disclosure might involve. The Office of Security always coordinates, where indicated, with the Office of General Counsel and the Office of Legislative Counsel.

5. Former employees are not mentioned in the Regulation. Except for the terms spelled out in a very general way in the Termination Secrecy Agreement, e.g., "I will never....publish, or reveal by writing....any information concerning intelligence or CIA that has not been made public by CIA....without the express written consent of the Director of Central Intelligence or his representative," there is no verbal or written instruction on procedure provided those persons should they desire guidance in any of these areas. There is no designated operating official for former employees to relate to. They are, however, strongly encouraged to contact the Office of Security on matters of security significance.

6. Experience to date has shown manuscripts can arrive via many different routes. Some, from the outset, have plainly indicated substantive legal factors and have been capably handled by the Office of General Counsel through either coordination with the Directorates or by chairing an Agency task force. The Marchetti and Hunt cases are examples of this. Most manuscripts, however, do not present such overriding legal factors and can be adequately processed under the same Office of Security "focal point" system as the manuscripts submitted by current employees. Since we are primarily concerned with security issues, I see no need to burden the Office of General Counsel in the absence of a legal issue.

7. Since most employees put the question of speaking or publication into a "security" context and are amenable to accepting reasonable security strictures without legal contest, it would appear that the clearest, most consistent approach to the question of publication would be to retain the Office of Security as the "focal point" for all manuscripts submitted.

8. The Director of Security would ensure coordination with the Directorates as well as the Offices of General Counsel and Legislative Counsel. Wherever legal or legislative factors indicate, the appropriate counsel's office would provide guidance as to action to be taken and represent the Agency in any dealings or negotiations with interested parties outside the Agency.

9. If the Committee agrees to this course of action, I would recommend that, during their security exit interview, all retirees and resignees be advised to submit manuscripts, articles and speech materials to the Agency via a designated Post Office Box which would be established and serviced by the Office of Security.

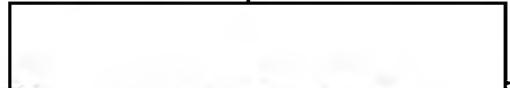
10. For internal guidance, the attached issuance is provided pending revision of existing regulations.

John F. Blake
Deputy Director
for
Administration

Att

STATINTL

ORIGINATOR:



* OCT 1974

Date

Charles W. Kane
Director of Security

Distribution:

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10 - MC Members
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OS/SSD/ [redacted] s (2 October 1974)
Retxped: [redacted] im (3 October 1974)

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This Notice is Current Until Rescinded

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SECURITY

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SECURITY LIMITATION ON OUTSIDE ACTIVITIES

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1. Headquarters Regulation [redacted] imposes a responsibility on the employee to obtain approval prior to writing or speaking on such topics as foreign intelligence, national security, Agency activities, or matters of Agency or U. S. Government policy.

2. Compliance with this responsibility is in recognition of the need to support the Director in his statutory duty to protect intelligence sources and methods and the manner of such compliance is spelled out in HR [redacted]

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3. There is no mention in this Regulation, however, of the responsibility by former employees to protect this same type of information (although it is alluded to in the standard Secrecy Agreement) nor does the Regulation provide guidance on submitting items for review.

4. Pending new regulatory issuance covering former employees, it is requested that all items submitted by former employees to this Agency for review be sent to

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the Office of Security. That Office will serve as a focal point for coordination with the Directorates as well as the Office of General Counsel and the Office of Legislative Counsel.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

John F. Blake
Deputy Director
for
Administration

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